

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SHAMON TYRELL SMITH, §
Petitioner, §
VS. § CIVIL ACTION NO. 4:04-CV-682-Y
§
DOUGLAS DRETKE, Director, §
T.D.C.J., Correctional §
Institutions Division, §
Respondent. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Shamon Tyrell Smith under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 20, 2005;
3. The respondent's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on July 12, 2005; and
4. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on July 13, 2005.

The Court, after de novo review, finds and determines that both the objections of respondent Dretke and of petitioner Smith must be overruled, and that the petition for writ of habeas corpus should be denied for the reasons stated in the magistrate judge's findings and conclusions.

It is therefore ORDERED that the findings, conclusions, and recommendations of the magistrate judge should be, and are hereby, ADOPTED.

It is further ORDERED that petitioner Shamon Tyrell Smith's petition for writ of habeas corpus be, and is hereby, DENIED.

SIGNED July 20, 2005.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE